

# Notice of Allowability

Application No.

09/446,425

Examiner

Ponnoreay Pich

Applicant(s)

CAPELLARO ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/20/07.
2. ☒ The allowed claim(s) is/are 28-38, 41, 43, 45-49, 52, 54-57, 60, 63-67, 70-76.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Gollhofer (Reg. #: 31,106) on 8/30/07. The examiner called Mr. Gollhofer on 8/29/07 to discuss recommended examiner's amendments to place the application in condition for allowance. The examiner stated that upon review of claims 35 and 36, it appeared that claim 35 should depend on claim 30 instead of claim 28. Further, it appeared that claims 68 and 69 were substantial duplicates of claims 63 and 66 respectively, thus the examiner suggested canceling claims 68 and 69. We also discussed some of the claims with respect to 35 USC 101 to ensure that none of the apparatus or systems being claimed referred to software per se. With respect to claim 41, Mr. Gollhofer stated that at least some of the means recited in the claims are meant to invoke 112, 6<sup>th</sup> paragraph referring to a computer's hardware processor executing software to realize the functionality of the software. As such, the apparatus of claim 41 should be fine with respect to 35 USC 101. The examiner also noted that claim 70 referred to a device actively encoding and as such cannot refer to software alone since any software present would require hardware to realize functionality in the manner recited in claim 70. The other apparatus and system claims were also fine with respect to 35 USC 101 for similar reasons discussed for claims 41 and 70. After the interview,

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Mr. Gollhofer contacted the applicant and obtained permission for the examiner's amendments with respect to claims 35, 68, and 69. The examiner was informed of the applicant's approval for the amendments on 8/30/07. Because the substance of the interview has been incorporated herein, a separate interview summary form is not provided (see MPEP 713.04).

The application has been amended as follows:

IN THE CLAIMS:

Claim 35. (Currently Amended) A method for encoding a digital message as claimed in claim ~~[[28]]~~ 30, wherein the simple network management protocol is version 1.

Claim 68. (Cancelled).

Claim 69. (Cancelled).

The following is an examiner's statement of reasons for allowance:

With respect to claim 28, the claim is allowable due to applicant's amendment. The claim recites three steps which are interrelated. First, a digital message is encoded via the encoding format of SNMP, then without decoding, the encoded message is cryptographically processed (i.e. encrypted), and finally, the cryptographically processed message is once again encoded via the encoding format of SNMP. The

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closest prior art to the claimed invention that was found was Alden (US 6,101,543).

While the examiner believe that Alden would render obvious the first two steps recited in the claim, it does not teach the final encoding step which once again uses the SNMP encoding format. SNMP is an application level protocol. The second encoding of a message as taught by Alden occurs only at the Transport and Network level—i.e. via TCP and IP. The examiner does not believe that it would have been obvious to modify Alden's invention such that the second encoding also occurred at the Application level so that SNMP encoding format could be used. To modify Alden in such a manner would in fact make his protocol less efficient.

Claim 29 is directed towards a method for decoding, decrypting, and decoding the message processed via the method of claim 28 and is also allowable due to applicant's amendments. The steps recited are all closely interrelated and requires that the message be first decoded according to SNMP, then the decoded message is cryptographically processed according to an second cryptographic process (i.e. decrypted) which is the inverse of a first cryptographic process. Finally, the message is decoded again according to SNMP. Once again, Alden is the closest prior art found to the claimed invention. As discussed above, the message formed from Alden's invention is not encoded a second time via SNMP, thus it would not have been obvious to decode a message using Alden's invention by twice decoding according to SNMP, once before decrypting, and once after decrypting.

The other claims are allowable because they contain limitations similar to claims 28 and/or claim 29.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ponnoreay Pich whose telephone number is 571-272-7962. The examiner can normally be reached on 9:00am-4:30pm Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ponnoreay Pich  
Examiner  
Art Unit 2135

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100